

Order

Michigan Supreme Court
Lansing, Michigan

September 15, 2006

Clifford W. Taylor,
Chief Justice

127457

Michael F. Cavanagh
Elizabeth A. Weaver
Marilyn Kelly
Maura D. Corrigan
Robert P. Young, Jr.
Stephen J. Markman,
Justices

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellant,

v

SC: 127457
COA: 248038
Calhoun CC: 02-003738-FC

MICHAEL BART MILESKE,
Defendant-Appellee.

By order of June 17, 2005, we granted leave to appeal the November 4, 2004 judgment of the Court of Appeals and ordered that this case be argued and submitted together with the case of *People v Walker* (Docket No. 128515), 472 Mich 927 (2005). By order of November 18, 2005, this case was held in abeyance pending the decisions in *Davis v Washington*, cert gtd __ US __; 126 S Ct 547; 163 L Ed 2d 458 (2005), and *Hammon v Indiana*, cert gtd __ US __; 126 S Ct 552; 163 L Ed 2d 459 (2005). On order of the Court, the consolidated cases having been decided on June 19, 2006, *Davis v Washington*, __ US __; 126 S Ct 2266; 165 L Ed 2d 224 (2006), we VACATE our June 17, 2005 order granting leave to appeal and the November 4, 2004 judgment of the Court of Appeals, and REMAND this case to the Court of Appeals for reconsideration in light of *Davis*. We DIRECT the Court of Appeals' attention to the fact that we have also remanded *People v Walker* to the Court of Appeals for reconsideration in light of *Davis*.

We do not retain jurisdiction.

KELLY, J., would vacate the June 17, 2005 order granting leave to appeal and would deny leave to appeal.



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I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

September 15, 2006

Corbin R. Davis

Clerk